

United States District Court
Northern District of California

UNITED STATES OF AMERICA,) NO. 14-CR-71068-MAG (KAW)

Plaintiff,) **ORDER OF DETENTION**

v.)

SALVADOR NAVARRO-BARAJAS,)

Defendant.)

Defendant Salvador Navarro-Barajas is charged in a complaint with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).

The United States moved for the defendant's detention pursuant to 18 U.S.C. § 3142, and requested a detention hearing, as permitted by 18 U.S.C. § 3142(f). On October 6, 2014, following a hearing pursuant to 18 U.S.C. § 3142(f), and considering the Pretrial Services report, the criminal complaint filed in this case, the proffers by both parties, and the factors set forth in 18 U.S.C. § 3142(g), the Court ordered the defendant detained, finding the government had met its burden of showing by clear and convincing evidence that no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure the safety of any other person and the community. *See* 18 U.S.C. §§ 3142(e) and (f). In addition, the Court made the finding that the government had met its burden of showing by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant. *See United States v. Motamedi*, 767 F.2d 1403, 1407 (9th Cir. 1985).

In particular, the Court noted the defendant's long history of substance abuse, prior failures to appear, prior revocations of community supervision and lengthy criminal history while on community supervision involving firearms, drugs, theft and battery. At the time of Defendant's arrest for the instant offense, he was allegedly driving a stolen vehicle. He was also in possession of a firearm with a defaced

1 serial number, heroin, methamphetamine, and marijuana, and gave false identification to the officer. He
2 was also on probation at the time of the arrest and had an outstanding failure to appear warrant for his
3 arrest.

4 Defendant is ordered detained as no condition or combination of conditions in 18 U.S.C. §
5 3142(c) will reasonably assure the appearance of defendant as required and the safety of any other
6 person and the community.

7 Defendant is committed to the custody of the Attorney General or a designated representative for
8 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
9 sentences or held in custody pending appeal. *See* 18 U.S.C. § 3142(i)(2). Defendant must be afforded a
10 reasonable opportunity to consult privately with counsel. *See* 18 U.S.C. § 3142(i)(3). On order of a
11 court of the United States or on request of an attorney for the government, the person in charge of the
12 corrections facility must deliver defendant to the United States Marshal for a court appearance. *See* 18
13 U.S.C. § 3142(i)(4).

14 IT IS SO ORDERED.

15 Dated: October 9, 2014

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17 HON. RANDIS A. WESTMORE
United States Magistrate Judge

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